

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

FRANKLIN NUNEZ,

Defendant.

No. 13-cr-167 (RJS)  
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

Defendant's resentencing for violation of supervised release is currently scheduled for July 7, 2020 at 3:00 p.m. (Doc. No. 75.) In light of the current COVID-19 pandemic, remote proceedings are authorized in certain instances with the consent of the defendant. *See* Standing Order M10-468, 20-mc-176 (CM) (S.D.N.Y. Mar. 30, 2020). Defendant has advised the Court that, due to the outbreak, he wishes for his resentencing to be conducted remotely. (Doc. No. 80.)

Accordingly, IT IS HEREBY ORDERED THAT the resentencing will take place by Skype for Business videoconference. A separate order will issue in due course with the details for accessing that conference. IT IS FURTHER ORDERED THAT no later than 5:00 p.m. on July 2, 2020, the parties must jointly email to the Court a list of persons who anticipate speaking during the videoconference, including counsel and Defendant.

IT IS FURTHER ORDERED THAT to confirm that Defendant consents to proceed via videoconference, Defendant's counsel shall discuss the attached consent form with Defendant. If Defendant is able to sign the form (either personally or, in accordance with Standing Order M10-468, 20-mc-174 (CM) (S.D.N.Y. Mar. 27, 2020), by Defendant's counsel), Defendant's counsel shall provide the Court with the executed form at least 24 hours prior to the scheduled proceeding.

In the event that Defendant consents, but counsel is unable to obtain or affix Defendant's signature on the form, the Court will conduct an inquiry on the record at the outset of the proceeding to confirm Defendant's consent and whether it is appropriate for the Court to add Defendant's signature to the form.

IT IS FURTHER ORDERED THAT Defendant shall notify the Court no later than 5:00 p.m. on June 29, 2020, whether he will require the assistance of an interpreter during the resentencing.

SO ORDERED.

Dated: June 24, 2020  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-v-

FRANKLIN NUNEZ,

Defendant.

**WAIVER OF RIGHT TO BE PRESENT AT  
CRIMINAL PROCEEDING**

**13-CR-167 (RJS)**

**Check Proceeding that Applies**

Arraignment

I have been notified of the specifications of violation of the terms of supervised release that have been filed against me and have discussed the specifications with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the specifications; to have the specifications read aloud to me if I wish; and to enter a denial or admission of violation before the judge. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York to be informed of these specifications and to enter a denial or admission.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

Supervised Release Conference

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time the conditions of my release on supervision or my remand to custody are discussed. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney and I be permitted to participate by telephone, or if it is reasonably available by videoconferencing, in any conference with the court at which such conditions or my remand are discussed.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the specifications of violation of supervised release, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this

waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held without my client being physically present in court.

Date: \_\_\_\_\_  
Signature of Defense Counsel

\_\_\_\_\_  
Print Name

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:  
\_\_\_\_\_.

Date: \_\_\_\_\_  
Signature of Defense Counsel

Accepted: \_\_\_\_\_  
Signature of Judge  
Date: